



**Shoreland Management Advisory  
Committee Meeting Minutes  
November 21, 2002  
Wisconsin Lions Camp, Rosholt**

**I. Welcome – Al Shea – Advisory Committee Chair and Director of the  
Bureau of Watershed Management, Department of Natural Resources**

This will be an 18 to 24 month process, however we will have a new administration coming in soon, so while it's possible this rule rewrite will be halted, it's very unlikely and I will do everything I can to ensure that this process keeps moving forward

I co-chaired the runoff management rule rewrite process, this was a five year process – hopefully this won't take as long

Setting future meetings – Jan. 30<sup>th</sup>, March 25<sup>th</sup>

Location – stay in Stevens Point area? Perhaps a southern and northern location. Jan. 30<sup>th</sup> will be in Point, but near highway.

Explains role of NRB in rule revision process – DNR chooses to form advisory committees, only DATCP has similar board/rule process. We have also added an additional step in the process, public listening sessions. Next step is public hearings, capture all comments and report to board on what we heard. Staff then decides if rule is ready to go to the legislature, who will possibly hold public hearings – another opportunity for committee input.

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**II. Introductions – name, affiliation, interests/major concerns**

Roland Tonn – Wisconsin Chapter of the American Planning Association – President - Oconomowoc city planner, would like to see equity in the shoreland program between all municipalities (incorporated and unincorporated).

Chip Nielson – Vilas County Supervisor & P&Z Committee - attorney, general counsel for Custom Components, founding member of Taxpayers for Fair Zoning – formed in response to Oneida County rule rewrite. Concerned about short (2 week) deadline for comment period after meetings. Has lived on Vilas Co. lakes since 1963. Make sure we take the time to do the rule rewrite correctly. Lets make decisions based on good science and environmental protection, not purely aesthetic or ideological.

Earl Cook – Riparian representative - retired research scientist. Lakes association president and lake leader. New regulations must still retain the ability for counties to enact more protective regulations if they choose. Address nonconforming structures – big problem. Add impervious surface requirements.

Phil Gaudet – Wisconsin County Code Administrators representative - Washington County Assistant Zoning Administrator – 16 years. Revision must be workable and can be administered more fairly and uniformly.

Elmer Goetsch – Wisconsin Association of Lakes representative - retired Army. Owned on 3 lakes chain since 1963. On WAL board. Current protections must be preserved, but some provisions are confusing and not well understood, esp nonconforming structures. Need for mitigation provisions. Shoreland averaging needs to be cleared up.

Tom Larson – Wisconsin Realtors Association Land Use and Environmental Affairs Director – 12,000 members statewide, represent property owners, both lake owners and others. Agree with Elmer that clarification is needed. WRA wants regulatory structure that maintains and enhances quality of life for everyone without infringing on lake owners property rights.

Jim Wise - ECCOLA – small business owner in Tomahawk. Org formed 10 years ago due to concerns over water protection and quality. We look at the land from the water – a different perspective (the ducks view). People who don't own water frontage need to be represented too. Some concern with participation after what happened in Onedia Co. (75 meetings and then rule thrown out with new board)

Nancy Russell – Walworth County P & Z. New to county politics, but has done her homework. Would like to see rules strengthened in many cases –

Walworth co is more restrictive – larger lot sizes and frontage. Concerned about buffer zone - more natural vegetation, and impervious surfaces.

Mark O’Connell - Wisconsin Counties Association – Executive Director. Want to help rewrite a reasonable, workable rule that recognizes the diversity of individual counties – so flexibility is critical.

Glen Schiffman – Natural Resources Board Appointee - St. Germain resident, builder/developer/contractor – 70% of business on water (100 homes/year average). We need clarity, equity for current property owners. Need new way to address nonconforming regulations. Look at drainage patterns, pollution from boat landings, exempt (incorporated) areas.

Bill Pielsticker – Trout Unlimited representative from Lodi. 3600 members whose goal is to maintain and improve cold water fishery. Agrees with Jim Wise that view from water is important. Tighten up shoreland buffer and density standards. Recognize that growth will happen, but it must be better managed to balance growth and natural resource protection.

Karl Kastrosky – Wisconsin County Code Administrators representative - Bayfield County Zoning Administrator from Cable. Here to bring Northern Wis. Perspective to the group. Spent 21/2 years on county SL ordinance and brings that perspective – stresses fairness and equity.

Paul Kent – attorney from Madison, representing contractors, big emphasis on water law – ½ is related to SL zoning, Ch. 30 and wetlands, mostly representing private business interests, although some citizens groups and local governments. We have a clash between two different perspectives – Public Trust and property rights, so conflict is inevitable. Can we do a tightrope walk balancing certainty in the rule and still have flexibility? Thinks it’s possible. Would prefer to have rules the committee can review before it goes to the NRB.

Paul McGinley – UW-SP professor, spends a lot of time on water quality issues working with interest groups. Hope to share expertise with the committee.

Pam LaBine – Wisconsin County Code Administrators representative - Forest County Zoning Administrator representing northern WCCA. Let’s use good science for rule. So far has heard a lot of poor science in defense

of current rule. Her family involved in forest regeneration and restoration of northwoods. Need equity between incorporated and unincorporated areas. If the water is public, then all the water is public.

Mike Dresen – CLUE director at Point. We support local government decision-makers, particularly with resource protection. 25 years experience in this area, including 17 at DNR. Let's maintain our public trust responsibilities for the benefit of all citizens, but still provide flexibility to local governments.

Jerry Deschane – Wisconsin Builders Association representative. – 6700 members. Mostly concerned about members who are remodelers – some of the rules are absurd. He's optimistic about process and has a national perspective on what the current science can do for resource protection, i.e., low impact development. Agrees with Big 4, but larger lot sizes discriminate against middle class. Need more clarity and workability for property owners.

Scott Craven – Wildlife Ecology Department Chair at UW-Madison. One species in heavily over represented on committee, so wildlife is his constituency. Spends a lot of time on the lakes – particularly Minocqua area. Been through the process before, but still optimistic.

Miles Benson – Governor's Council on Forestry representative. Professional Forester. Trees and watersheds go together – important to protect both at the same time. Looking for wisdom, good science and rules for people of liberty. Let's avoid the unintended consequences of our actions – so we need buy-in. Restrictions are important, but incentives are too.

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### **III. Sideboards --- Al Shea**

Framing for the AC committee – we will have a parking lot – that is things that are not directly associated with NR115. These items will be kept and brought back to the appropriate people within DNR including the NR Board.

Paul Kent - Ch30 is not charge of committee but we need to keep Ch30, NR151 and NR 216 all in mind as decisions are made.

Shea – if non-related items come up, I pledge to do what I can to resolve those issues that are under my direct preview.

Deschane – concerned that we can only talk about this narrow slice of overall regulations. Department must respond in some way to whole regulatory picture. This effort could be wasted if there isn't a unified vision on regulatory reform and direction. What is department going to do?

Shea – I can make recommendations in some of the areas, but ch. 30 is not under my direct responsibility.

Herkert - emphasized that applying 115 to cities would require a statutory change. Put in parking lot.

Shea – we will ask the committee to review proposed rule before it goes to NRB - don't expect total agreement from everyone, but would like general consensus.

Kent- would like to see some options presented to committee.

Shea – understands that until rule is presented in draft form, the committee may have a hard time reacting to it, so we will try to bring rule language to the committee before going to the public. Dept. will present a range of options and ask committee to review/comment on those and offer other alternatives if they desire.

Tom Larson – do particular representatives – especially riparian and university representatives really represent all the parties that fall under those groups?

Goetsch – should qualify it if practical, ie, “our board met and they said...” or “many of our members agree that...”, etc. Can't expect us to faithfully represent all riparian owners – there will be other opportunities for riparians and other citizens to get involved.

Wise – what about media stories about this process? Will there be an update about what is happening outside of this group?

Shea – will share all general information related to group/process with group

December meeting will be at Lions Camp – January group felt that Lions camp would be ok too but a decision will be made at a later date.

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**IV. Bob Korth – UW Extension Lakes Partnership - Shoreland Management Why does it matter?**

**V. Steve Carpenter – UW Madison Professor of Limnology - Shoreland Development, Habitat, and Water Quality**

**VI. Rick Chenoweth – UW Madison Professor of Urban and Regional Planning - NR115 Scenic Beauty and the Beast**

NOTE: We will be placing the biographies of the presenters and their presentations on the website.

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Questions for Rick:

Glen Schiffmann - Lead by example – if the state is charged with protecting Natural Scenic Beauty (NSB) then they should lead by example. Showed Rick photos of boat landings and beaches. DNR does not always do a good job of protecting NSB. Glen gave example of Vilas County - Chuck Ranowski said that he had spent his life on lakes and he never saw people (boat after boat) looking at the shoreline on natural lakes but he does see that on the Eagle River chain. What do people want to look at? People want to look at houses, people are willing to look at the houses and there are no standards of those houses on the Eagle River chain that people want to look at. The majority of the people do not find houses as objectionable as you do.

Paul McGinley – what is the cost of visualization projects?

It isn't simply that technology is changing, is accessible to the public. That is that anyone can do these types of visualization.

Goetsh - How do you write tools such as visualization into an ordinance?

Under the law there are specific things that are required to be provided in a permit application and language could be written to require visualization tools to be provided. Could visualization serve as a legal contract? Instead of written requirements of number of plants or amount of seed, have a visualization image that serves as the guidelines for what it should look like.

The report will be on the Rick's website at [www.scenicwisconsin.org](http://www.scenicwisconsin.org).

Nancy Russell - Walworth County – we own the water and in Walworth County they regulate commercial buildings – what is the difference of regulating homes.

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## **VII. Wrap-up**

Shea – Section 281.31 Wisconsin Statutes is the authorizing legislation for the shoreland management program and NR115 – The language was read to enforce the fundamental framework for the NR 115 revision as a resource explaining the original intent of the legislation and the program.

Toni –

Next meeting: 9-2 or 9-3 December 12<sup>th</sup>. Short history of SMT program. Case Law. Big 4 document – intent of current standards, problems with existing standards and why we need to revise. Flex/Mitigation will be intermixed in the 3 components. Start with Nonconforming and end with Buffers. The packet of information will be provided at the end of each meeting. Take time at the beginning of the next meeting to discuss some language.

Paul Kent – when talking about flexibility case law has gone on variances is a key part of the discussion and that would be helpful for the AC meeting.

Shea - We (DNR) will e-mail agenda for the next meeting. Glen prefers not e-mail. At least 24 hours before the meeting. Thanks for the committee's time and see you in December. Everyone have a safe hunt and thanksgiving, as well as a safe drive home!

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### **Advisory Committee Contacts**

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<http://www.dnr.state.wi.us> and under "Go to some topics" choose "Shoreland Management."

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